



Please type a plus sign (+) inside this box [+]

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

#9
help
8/29/00

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.
(Only for nonprovisional utility and plant applications, including a prior CPA under 37 CFR 1.53(d), filed before May 29, 2000, and for all design applications.)

CHECK BOX if applicable:
[] DUPLICATE

TC 2700 MAIL ROOM

ADDRESS TO: Assistant Commissioner for Patents
BOX CPA
Washington, D.C. 20231

Attorney Docket No. 80398.P162

First Named Inventor Desch

Express Mail Label No. EL234218152US

Total Pages 2

This is a request for a X continuation or _____ divisional under 37 CFR 1.53(d) (continuation prosecution application (CPA)) of prior application No. 09/183,717, filed on 10/30/98, entitled System and Method for Providing Digital Video and Audio Broadcasts

If the Patent and Trademark Office determines that this request under 37 CFR 1.53(d) is improper, the Office is requested to treat this CPA as a request for continued examination of the above identified application under 37 CFR 1.114.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional plant or utility application that is either: (1) complete as defined by 37 CFR 1.51(b) and filed on or after June 8, 1995 and before May 29, 2000, or (2) the national stage of an international application in compliance with 35 U.S.C. 371 and filed on or after June 8, 1995 and before May 29, 2000, or (3) a design patent.

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

EFFECT ON PATENT TERM ADJUSTMENTS: A CPA filed on or after May 29, 2000 is considered a new application for purposes of calculating accumulation of PTA against the 3-year pendency provision under 35 U.S.C. 1.32(b).

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

- X Enter the unentered amendment previously filed on 6/20/00 under 37 CFR 1.116 in the prior nonprovisional application.
- _____ A preliminary amendment is enclosed.
- 3 _____ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)4.
_____ a. **DELETE** the following inventor(s) named in the prior nonprovisional application:

_____ b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- 4 _____ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- 5 _____ Information Disclosure Statement (IDS) is enclosed:
a. _____ PTO - 1449
b. _____ Copies of IDS Citations

05/25/00
05/25/00
05/25/00

08/16/2000 CVD111 00000011 09183717

01 FC:131
02 FC:102
03 FC:103
690.00 OP
78.00 OP
360.00 OP

CLAIMS

(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
Total Claims (37 CFR 1.16(c)) Independent Claims (37 CFR 1.16(b))	<u>40</u> - <u>20</u> =	<u>20</u>	X \$ <u>18.00</u> =	\$ <u>360.00</u>
	<u>4</u> - <u>3</u> =	<u>1</u>	X \$ <u>78.00</u> =	\$ <u>78.00</u>
Multiple Dependent Claims (if applicable) (37 CFR 1.16(d))			+ \$ _____ =	\$ _____
			BASIC FEE (37 CFR 1.16(a))	\$ <u>690.00</u>
Total of above Calculations				= \$ <u>438.00</u>
Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28).				\$ _____
TOTAL =				\$ <u>1128.00</u>

6. ☐ Small entity status:

- a. ☐ A small entity statement is enclosed.
- b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

7. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 02-2666.

- a. ☒ Fees required under 37 CFR 1.16.
- b. ☒ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.

*authorization
given 8/31/00 per
Maria Sokrino.*

8. ☒ A check in the amount of \$ 1128.00 is enclosed.9. ☐ Other: _____**NOTE:** The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.**10. NEW CORRESPONDENCE ADDRESS**

☐ Customer Number or Bar Code Label
OR
(Insert Customer No. or Attach Bar Code Label here)

☐ New Correspondence Address Below

NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____

COUNTRY _____ TELEPHONE _____ FAX _____

11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME Jeffrey S. Smith

REGISTRATION NO. 39,377

SIGNATURE *Jeffrey S. Smith*

DATE August 11, 2000



8.140

CPA \$

2711

PTO/SB/17(6/99)

Approved for use through 09/30/2000 OMB 051-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL FOR FY 2000

AUG 22 2000

TOTAL AMOUNT OF PAYMENT (\$)

1128.00

TC 2700 MAIL ROOM

Complete if Known:

Application No. 09/183,717

Filing Date 10/30/98

First Named Inventor Desch

Group Art Unit 2711

Examiner Name Faile, A.

Attorney Docket No. 80398.P162

METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number

Deposit Account Name

- ☐ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

2. ☒ Payment Enclosed:

☐ Check☐ Money Order☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Code	Fee (\$)	Code	Fee (\$)		
101	690	201	345	Utility application filing fee	690.00
106	310	206	155	Design application filing fee	
107	480	207	240	Plant filing fee	
108	690	208	345	Reissue filing fee	
114	150	214	75	Provisional application filing fee	

SUBTOTAL (1) \$ 690.00

2. EXTRA CLAIM FEES

2. <u>EXTRA CLAIM FEES</u>				<u>Fee from below</u>		<u>Fee Paid</u>
			<u>Extra Claims</u>			
Total Claims	<u>40</u>	- 20** =	<u>20</u>	X	<u>18.00</u>	= <u>360.00</u>
Independent Claims	<u>4</u>	- 3** =	<u>1</u>	X	<u>78.00</u>	= <u>78.00</u>
Multiple Dependent						=

**Or number previously paid, if greater; For Reissues, see below.

Large Entity		Small Entity		Fee Description
Code	Fee (\$)	Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	78	202	39	Independent claims in excess of 3
104	260	204	130	Multiple dependent claim, if not paid
109	78	209	39	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$ 438.00

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

01/10/2000

- 1 -

PTO/SB/17 (6/99)

Patent fees are subject to annual revisions. Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid.

See Forms PTO/SB/09-12

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	_____
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	_____
139	130	139	130	Non-English specification	_____
147	2,520	147	2,520	For filing a request for reexamination	_____
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	_____
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	_____
115	110	215	55	Extension for response within first month	_____
116	380	216	190	Extension for response within second month	_____
117	870	217	435	Extension for response within third month	_____
118	1,360	218	680	Extension for response within fourth month	_____
128	1,850	228	925	Extension for response within fifth month	_____
119	300	219	150	Notice of Appeal	_____
120	300	220	150	Filing a brief in support of an appeal	_____
121	260	221	130	Request for oral hearing	_____
138	1,510	138	1,510	Petition to institute a public use proceeding	_____
140	110	240	55	Petition to revive unavoidably abandoned application	_____
141	1,210	241	605	Petition to revive unintentionally abandoned application	_____
142	1,210	242	605	Utility issue fee (or reissue)	_____
143	430	243	215	Design issue fee	_____
144	580	244	290	Plant issue fee	_____
122	130	122	130	Petitions to the Commissioner	_____
123	50	123	50	Petitions related to provisional applications	_____
126	240	126	240	Submission of Information Disclosure Stmt	_____
581	40	581	40	Recording each patent assignment per property (times number of properties)	_____
146	690	246	345	For filing a submission after final rejection (see 37 CFR 1.129(a))	_____
149	690	249	345	For each additional invention to be examined (see 37 CFR 1.129(a))	_____
Other fee (specify) _____					_____
Other fee (specify) _____					_____
SUBTOTAL (3) \$ 0					

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:

Typed or Printed Name: Jeffrey S. Smith

Signature Jeffrey S. Smith Date August 11, 2000

Reg. Number 39,377 Deposit Account User ID 02-2666
(complete if applicable)

"Express Mail" mailing label number: EL234218152US

Date of Deposit: August 11, 2000

I hereby certify that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to the Assistant Commissioner for Patents, Washington, D. C. 20231

Cheri Clipkenbeard

(Typed or printed name of person mailing paper or fee)

(Signature of person mailing paper or fee)

(Date signed)